



5-9-03

Atty. Dkt. No. 050251-0131rce

RCE
\$3700
#14
OK
5/15/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Looper et al.
Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT
Appl. No.: 09/785,374
Appl. Filing Date: 16 February 2001
Examiner: M. Patel
Art Unit: 3761

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.	
ER 133993355 US	8 MAY 2003
(Express Mail Label Number)	(Date of Deposit)
Charles J. Schreck	
(Printed Name)	
Charles J. Schreck	
(Signature)	

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RECEIVED
MAY 15 2003

TECHNOLOGY CENTER R3700

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- [X] Please enter and consider the amendment/reply previously filed on 6 March 2003.
- [] Please consider the Affidavit(s)/Declaration(s) previously filed on ___ but not considered.
- [] Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ___.

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750.00 OP

☐ Other ____.

b. Enclosed are:

☒ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of ____ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

	Claims as Amended		Previously Paid For		Extra Claims Present		Rate		Fee Totals
RCE Fee 1.17(e)							\$750.00		\$750.00
Total Claims:	19	—	52	=	0	x	\$18.00	=	\$0.00
Independents:	2	—	8	=	0	x	\$84.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$280.00	=	\$0.00
0							CLAIMS FEE TOTAL:	=	\$750.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$110.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
EXTENSION FEE TOTAL:			\$110.00
CLAIMS AND EXTENSION FEE TOTAL:			\$860.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
TOTAL FEE:			\$860.00

☒ A check in the amount of \$860.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 8 May 2003

By Paul E. Schaafsma

FOLEY & LARDNER
Customer Number: 27433

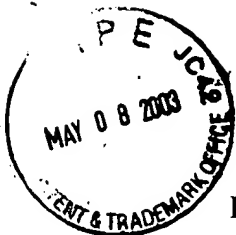


27433

PATENT TRADEMARK OFFICE

Telephone: (312) 832-4596
Facsimile: (312) 755-1925

Paul E. Schaafsma
Attorney for Applicant
Registration No. 32,664



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N.P.
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ER 133993355 US (Express Mail Label Number)	8 MAY 2003 (Date of Deposit)
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AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RECEIVED
MAY 15 2003
TECHNOLOGY CENTER R3700

Sir:

Responsive to the Office Action mailed 14 January 2003, please amend the application as follows:

In the Claims:

Please amend the following claims:

1. (Four Times Amended) A surgical device comprising:
- a tissue engaging means and a handle assembly;
 - an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means;
 - a shaft member comprising a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube adapted to be coupled to the handle assembly, the distal end of the first tube adapted to be coupled to the tissue engaging means, the actuating means adapted to extend axially through the first tube, the first tube configured to be kink resistant and to bend about some bending radius in response to a bending moment applied to the first tube, the bending moment applied to the first tube ranging between about 6 in-lbs to 27 in-lbs.